

REMARKS

Claims 1-6 and 14-20 are pending in this application. By this Amendment, claims 1, 14, 16 and 20 are amended. Support for the amendments to the claims can be found, for example, in paragraphs [0023], [0056] and Figures 1 and 16 of the application. No new matter is added. The Office Action indicates that claim 20 has been withdrawn as depending from a canceled claim. By this amendment, claim 20 is amended to depend from claim 14. Accordingly, Applicants respectfully request that the Examiner consider claim 20 with the remaining pending claims. Reconsideration of the application in view of the above amendments in the following Remarks is respectfully requested.

Applicants appreciate the indication that claims 16-18 recite allowable subject matter. For the reasons discussed below, Applicants submit that all pending claims are in condition for allowance.

The Office Action rejects claim 16 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. By this amendment, the phrase "when the reinforcement is encountered in the anchor borehole position" recited in claim 16 is deleted. Accordingly, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1-3, 5, 6, 14, 15 and 19 under 35 U.S.C. §103(a) over U.S. Patent No. 5,644,885 to Eischeid (Eischeid). The Office Action rejects claim 4 under 35 U.S.C. §103(a) over Eischeid in view of U.S. Patent No. 6,604,899 to Kubler et al. (Kubler). These rejections are respectfully traversed.

With respect to the rejection of independent claims 1 and 14 over Eischeid, the Office Action acknowledges that Eischeid does not specifically teach at least the second anchor bolt and the connecting part being integrally molded (see Office Action, page 3). However, the Office Action asserts that the term "integral" is broad enough to include fastening and

welding, and that the method of forming (molded) does not impart patentable weight.

Applicants respectfully disagree.

While the limitation "integrally molded" may appear as a product by process limitation, the MPEP states that "[t]he structure implied by the process steps should be considered when assessing the patentability of product-by-process claims over the prior art" (see MPEP §2113). The term "integrally molded" provides a specific structure to the composite anchor bolt recited in independent claims 1 and 14. For example, an integrally molded component is structurally different than a welded or otherwise fastened component.

Additionally, courts have held that, for example, the terms "interbonded by interfusion," "welded," "intermixed," "ground in place," "press fitted," and "etched" are capable of construction as structural limitations (see, e.g., *In re Garnero*, 412 F.2d 276, 279, 162 USPQ 221, 223 (CCPA 1979)). Similarly, the term "integrally molded" should be construed as a structural limitation in the pending claims.

Accordingly, as acknowledged in the Office Action, Eischeid fails to disclose each of the features recited in independent claims 1 and 14. Also, one of ordinary skill would not have had a reasonable rationale to modify Eischeid to have the "integrally molded" feature. Thus, independent claims 1 and 14 are patentable over Eischeid. Claims 2, 3, 5, 6, 15 and 19 depend from independent claims 1 and 14 and are, therefore, also patentable over Eischeid at least for the dependence, as well as for the additional features these claims recite.

With respect to claim 4, Kubler fails to overcome the deficiencies of Eischeid with respect to independent claim 1, discussed above. Accordingly, claim 4 is patentable over a combination of Eischeid and Kubler at least for its dependence on independent claim 1, as well for the additional features that claim 4 recites.

Accordingly, withdrawal of the rejections is respectfully requested.

The Office Action rejects claims 1 and 14 under 35 U.S.C. §103(a) over U.S. Patent No. 2,879,660 to Reintjes. The rejection is respectfully traversed.

With respect to the rejection of independent claims 1 and 14 over Reintjes, the Office Action similarly acknowledges that Reintjes does not specifically teach at least the second anchor bolt and the connecting part being integrally molded, but the Office Action instead asserts that the term "integral" is broad enough to include fastening and welding, and that the method of forming (molded) does not impart patentable weight (see Office Action, page 6). Applicants respectfully disagree for the same reasons discussed above with respect to the Eischeid reference.

Accordingly, as acknowledged in the Office Action, Reintjes fails to disclose each of the features recited in independent claims 1 and 14, and further, Reintjes would have not rendered obvious these features. Accordingly, independent claims 1 and 14 are patentable over Reintjes.

To expedite allowance, the claims are amended to recite additional features as outlined above. The combination of Eischeid, Kubler and Reintjes would have not have rendered obvious a composite anchor bolt where a connecting part is embedded in a concrete frame such that a planar side of the connecting part from which a first anchor bolt extends is flush with a surface of the concrete frame and accessible to an equipment base, as recited in independent claims 1 and 14.

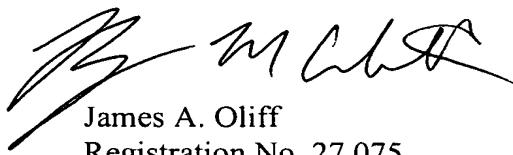
Instead, the alleged connecting part of Eischeid (item 17 of Figure 15) is not embedded in a concrete frame such that a planar side of the alleged connecting part is flush with a surface of the concrete frame and accessible to an equipment base. Further, as illustrated in Figures 5, 10 and 12 of Kubler, Kubler fails to overcome these deficiencies of Eischeid. Reintjes also fails to overcome these deficiencies, as illustrated, for example, in Figures 3-5 of Reintjes.

Accordingly, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 and 14-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Request for Continued Examination

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